

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ramsey AlQaisi	Team: Squad #15	CCRB Case #: 201410941	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 10/24/2014 3:00 PM	Location of Incident: Inside Broadway Junction L line subway station	Precinct: 73	18 Mo. SOL 4/24/2016	EO SOL 4/24/2016	
Date/Time CV Reported Sat, 10/25/2014 11:14 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 10/25/2014 11:14 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Christine Stclair	01983	932009	TB DT33
2. POM Alvin Askew	17602	929659	TB DT33

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Jason Bennett	02877	932320	TB DT33
2. POM Adam Geslak	29753	950488	TB DT33
3. POM Kuran Jones	28586	940925	TB DT33

Officer(s)	Allegation	Investigator Recommendation
A.POM Alvin Askew	Force: PO Alvin Askew struck § 87(2)(b) with an asp.	
B.SGT Christine Stclair	Force: Sgt. Christine St. Claire struck § 87(2)(b) with asp.	

### Case Summary

On October 25, 2014, § 87(2)(b) filed this complaint on behalf of her § 87(2)(b) son, § 87(2)(b) (encl. 2a-2b). § 87(2)(b) was not a witness to the incident.

On October 24, 2014, at approximately 3:00 p.m., § 87(2)(b) was on the L-Train Platform at the Broadway-Junction subway station in Brooklyn. He was on the Manhattan-bound L-Train platform and noticed a male, identified via the investigation as § 87(2)(b) that he has ongoing problems with standing on the same platform. § 87(2)(b) and § 87(2)(b) immediately got into a physical altercation on the platform. Two uniformed officers identified via the investigation as Sgt. Christine St. Claire and PO Alvin Askew of Transit District 33 responded to the platform from downstairs.

Sgt. St. Claire and PO Askew took out their asps and struck § 87(2)(b) in the knees (**Allegations A and B**). § 87(2)(b) fell to the ground and PO Askew handcuffed him by himself. Sgt. St. Claire then handcuffed § 87(2)(b). § 87(2)(b) and § 87(2)(b) were escorted to the Transit District 33 stationhouse which is located on the lower-level of the subway station. § 87(2)(b) was released about 30-40 minutes later without the issuance of a summons or a juvenile report and was escorted back onto the platform by an unidentified officer.

This case was originally assigned to Inv. Harold Rodriguez on November 10, 2014, and was reassigned to Investigator Christopher Mills of the Case Closing Unit on January 6, 2015. The case was then reassigned to Investigator Sonia Landino on April 3, 2015 upon Investigator Mills' resignation from the agency. On June 18, 2015, this case was reassigned to the undersigned investigator.

### Mediation, Civil and Criminal Histories

- Due to the physical injuries that were sustained by § 87(2)(b) during this incident, Inv. Rodriguez did not present mediation to § 87(2)(b) and § 87(2)(b) as an alternative to resolve this complaint.
- On January 23, 2015, § 87(2)(b) filed a Notice of Claim with the City of New York on behalf of § 87(2)(b). § 87(2)(b) filed the claim for fifty-thousand dollars for physical and mental damage to § 87(2)(b) (encl. 11m-11s).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Civilian and Officer CCRB Histories

- Sgt. St. Claire has been a member of the service for 12 years and there are no substantiated allegations against her (encl. 1a).
- PO Askew has been a member of the service for 13 years and there are no substantiated allegations against him (encl. 1b).
- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 1c-1d).

### Potential Issues

- On January 22, 2015, video footage from the incident location was subpoenaed from the Metropolitan Transit Authority (MTA) (encl. 12e). On March 3, 2015, the MTA Electronic Field Maintenance Unit notified the CCRB that there was no video recording equipment installed at the location.

- § 87(2)(b) provided the first names of two of his friends § 87(2)(b) and § 87(2)(b) who were present for the incident. However, § 87(2)(b) did not know their last names or contact information. He simply indicated that they reside in the “§ 87(2)(b)” in Brooklyn. On April 3, 2015, a search of the Lexis Nexis database using their first names and address of the aforementioned NYCHA complex provided no results for the above referenced individuals (encl. 12e). Without any further information, these two witnesses could not be contacted.
- On July 1, 2015, § 87(2)(b) was called on his mother’s phone number, which was listed on PO Geslak’s memo book. § 87(2)(b)’s mother, § 87(2)(b), refused to provide additional contact information for her son and requested that her § 87(2)(b)-old son not be contacted by the CCRB in regards to this investigation (encl. 12h).

### **Medical Records**

§ 87(2)(b) went to the emergency room at § 87(2)(b) on § 87(2)(b) (Medical Records) § 87(2)(b) arrived with his mother and complained that he had been assaulted by police officers who struck him on legs with their batons about six times on the right and twice of the left. § 87(2)(b) had swelling to the medial part of his right knee and swelling with abrasions to the right leg.

X-rays were conducted for § 87(2)(b)’s right knee. There was no fracture but moderate joint effusion was found. There was no fracture to the right tibia and fibula. § 87(2)(b) was diagnosed with a knee effusion and discharged.

### **NYPD Documents**

According to Event Summary D14102414785, at approximately 3:22 p.m. on October 24, 2014, two juveniles were placed under arrest by officers assigned to Transit District 33. These juveniles were escorted into the stationhouse at 3:45 p.m. (encl. 10d-10f).

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

During his sworn-statement on November 10, 2014, § 87(2)(b) stated that two uniformed officers, whom he described as a black male and a black female, arrived at the platform from the stationhouse located within the subway station and struck him with their asps. § 87(2)(b) described the male officer as being 5’8” tall, in his 30s and “chubby.” He described the female officer as being, 5’8” tall and in her 30s.

On October 27, 2014, § 87(2)(b) informed the CCRB that she went to the Transit District 33 stationhouse to inquire about a notification she received stating that her son had been detained by the police due to a “scuffle.” At the stationhouse, she was informed by Sgt. Jason Bennett and PO Adam Geslak, who are both white males, that § 87(2)(b) had been released prior to her arrival. On January 22, 2015, Inv. Mills interviewed Sgt. Bennett and PO Geslak, in connection with this incident. Both officers testified that they detained § 87(2)(b) and § 87(2)(b) due to their physical altercation on the platform. These officers denied striking § 87(2)(b) with their asps and denied observing a black female officer at the scene.

Between May 18, 2014 and May 19, 2015, the CCRB attempted to receive a copy of the relevant roll call from Transit District 33. A legible copy of was received on May 19, 2015. The roll call

listed 6 black males and 4 black female officers as being on duty at the time of the incident (encl. 11a-11f ). On June 11, 2015, single shot photo arrays were presented to § 87(2)(b) of the potential subject officers (encl. 3i). § 87(2)(b) identified PO Kuran Jones of Transit District 33 as the male officer who struck him with his asp and while not 100% certain about his identification, he identified Sgt. Christine St. Claire as the potential female subject officer.

PO Jones was interviewed at the CCRB on June 18, 2015 and while admitting to responding to the incident location, he indicated that by the time he responded the incident was over and did not observe any other officers on the platform. During her interview on June 23, 2015, Sgt. St. Claire admitted to responding to the incident location after observing through a monitor located inside of the Transit District 33 stationhouse a fight amongst juveniles taking place on the platform of the Broadway Junction subway station (encl. 4e). By the time she responded, she observed PO Geslak and PO Alvin Askew, who is a black male officer assigned to Transit District 33, escort the juveniles to the stationhouse. She documented this observation in her memo book. Sgt. St. Claire denied using her asp against anyone and did not recall seeing Sgt. Bennett or PO Jones at the scene.

On July 6, 2015, PO Askew admitted to responding to the incident location and striking § 87(2)(b) with his asp. § 87(2)(g) He denied seeing Sgt. St. Claire, Sgt. Bennett and PO Jones at the scene.

While Sgt. St. Claire denied striking § 87(2)(b) with her asp, her physical description as noted in her pedigree sheet matches the description of the female subject officer that was provided by § 87(2)(b) during his sworn-statement. In addition, while not completely certain, § 87(2)(b) did identify her as the potential female subject officer during the photo array session. Furthermore, she admitted to responding to the scene and was the only female officer that the investigation was able to place on the platform during the entire incident. § 87(2)(g)

**Allegation A - Force: PO Alvin Askew struck § 87(2)(b) with an asp .**

**Allegation B - Force: Sgt. Christine St. Claire struck § 87(2)(b) with an asp.**

§ 87(2)(b) alleged that during his physical altercation with § 87(2)(b) Sgt. St. Claire and PO Askew struck him in the knees with their asps (encl. 3b). PO Askew struck § 87(2)(b)'s right knee and Sgt. St. Claire struck his left knee. Each officer struck him three times. § 87(2)(b) fell to the ground and PO Askew handcuffed him by himself. Sgt. St. Claire then handcuffed § 87(2)(b) § 87(2)(b)

Sgt. St. Claire did not recall specific details of the incident because fights amongst youths are common in this subway station. She did not recall which officers responded to the platform with her or if there were already officers at the scene. Sgt. St. Claire documented that PO Geslak and PO Askew took the two teenagers that were fighting based on entries she made on her memo book. Sgt. St. Claire denied striking § 87(2)(b) with an asp or seeing any officer do so (encl. 4e).

PO Askew stated that he responded to a call for help over the radio from the upper mezzanine in the subway (encl. 4f-4j). PO Askew saw an unidentified police officer struggling with § 87(2)(b) who was backing away, kicking, twisting his body, pulling his arms and flailing his arms as the officer was attempting to grab him. PO Askew took out his asp and struck § 87(2)(b) once on the side of his shin area with the asp. § 87(2)(b) immediately stopped resisting and put

his hands behind his back. PO Askew immediately handcuffed § 87(2)(b) s hands behind his back. PO Askew did not recall Sgt. St. Claire at the scene and denied seeing her strike § 87(2)(b) with an asp.

Sgt. Bennett and PO Geslak testified that they were the officers who apprehended § 87(2)(b) and § 87(2)(b) and denied using force to take them into custody. Both officers denied seeing a black female officer at the scene (encl. 6d, 7e).

PO Jones stated that responded to the Broadway Junction subway station in regards to a crowd condition (encl. 5f-5g). PO Jones arrived at the station but did not see anything out of the ordinary.

§ 87(2)(g)  
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Pod:

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date